



PENNSYLVANIA STATE POLICE
COMMERCIAL VEHICLE SAFETY SECTION
1850 ARSENAL BOULEVARD
HARRISBURG, PA 17103-1213

June 11, 2010

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PA P.U.C. BUREAU
SECRETARY'S BUREAU

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17105

Re: Marcellus Shale En Banc Hearing, Docket No. I-2010-216³⁴⁶¹

Dear Secretary Chiavetta:

Thank you for the opportunity for the Pennsylvania State Police to share with you our concerns with respect to commercial vehicle safety issues caused by the recent influx of heavy trucks in the Marcellus Shale region of the Commonwealth.

During 2009, the Pennsylvania Department of Environmental Protection reports that nearly 2,000 permits were issued for Marcellus Shale drilling operations in Pennsylvania. Already this year, an additional 679 such permits have been issued, and estimates indicate that in 2010, as many as 5,200 permits could be expected. Over the next one to two years, the gas industry reports they will be doubling or even tripling their drilling activity in the Marcellus Shale region of the Commonwealth.

Large gas drilling operations often involve moving a large amount of equipment, vehicles, and supplies into remote areas. Industry estimates indicate that the operation of just one gas well (start to finish) results in as many as 1,350 commercial motor vehicle trips into and out of the drilling site. Many of these vehicles weigh at or above the state legal limit of 80,000 pounds.

The influx of commercial trucks and supporting personnel into rural regions of Pennsylvania has already created a number of safety issues and concerns for state and local law enforcement. Already, Pennsylvania State Police personnel in Bradford, Clearfield, Fayette, Greene, Washington, Westmoreland, Susquehanna, and Tioga Counties have witnessed a significant increase in truck traffic as the result of Marcellus Shale gas drilling operations.

As a direct result of this increase in truck traffic, local transportation infrastructure has begun to crumble under the weight and volume of these trucks. The condition of local infrastructure poses an immediate safety concern as heavy trucks, and particularly those with unsecured loads, are more prone to rollover and crash when driven on an unstable road surface. Moreover, the condition of these roads will make it extremely difficult for emergency service vehicles such as ambulances, fire and police vehicles to respond in a timely manner to emergencies in these counties.

From April 1 to June 7, 2010, State Police motor carrier enforcement personnel conducted over 400 roadside inspections of commercial motor vehicles used in support of Marcellus Shale gas drilling operations. Fifty-six percent of the Level 1 inspections conducted during this period resulted in either the vehicle or driver being placed out of service for serious safety violations. This preliminary finding is alarming in that, according to the Federal Motor Carrier Safety Administration, a Level 1 inspection out of service rate of 24-30 percent is expected nationwide. Also concerning is that of the Level 1 inspections conducted on vehicles transporting hazardous materials, 66 percent were placed out of service.

One of the more common infractions observed by our motor carrier enforcement personnel involve violations of special hauling permits issued by the Pennsylvania Department of Transportation. Special Hauling Permits are required for oversize and overweight loads using interstate highways and state roadways. During a February 2010 enforcement detail, for example, motor carrier enforcement personnel in Troop R, Dunmore confiscated 11 Special Hauling Permits due to operations conducted in violation of permit restrictions. There was noted abuse in that single trip permits were being used multiple times in order to facilitate load movements. Some inspections of permitted loads found them to be operating in excess of their legally permitted weight, operating after sunset or off their permitted route of travel. In addition to violations by permitted loads, our inspection personnel have found many oversize and overweight loads operating without having obtained required permits.

Other common safety violations have involved defective brakes, log books or records of duty status, improper load securement, and expired state inspections. Some of our roadside inspections have even resulted in fraud investigations by Troop Vehicle Fraud Investigators. Following a recent roadside inspection in which several safety deficiencies were discovered, inspectors determined the vehicle had recently passed a state inspection at a nearby licensed inspection station. The Troop's Vehicle Fraud Investigation Unit found improprieties by the inspection station and issued citations against them for conducting a faulty inspection and fraudulent reporting.

In response to these commercial vehicle safety issues, the Pennsylvania State Police has partnered with the Pennsylvania Public Utility Commission and the Pennsylvania Department of Environmental Protection to continue the conduct of proactive roadside inspections in those areas most impacted by the truck traffic supporting gas drilling operations. To bolster our enforcement efforts, we have trained

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over 100 non-motor carrier enforcement personnel in basic truck enforcement skills, and this type of training will continue as drilling operations further expand in Pennsylvania. To help protect our infrastructure, additional portable weight scales are being purchased and will be deployed, along with appropriate training, to make certain these trucks are operating within legal weight limitations.

Enforcement operations are just one means by which we hope to ensure compliance with motor carrier safety regulations. Through outreach and educational efforts, we hope to solicit voluntary compliance by all those operating trucks in support of this growing industry. In January 2010, a Marcellus Shale Conference was held in State College during which enforcement personnel from multiple agencies educated more than 600 industry attendees on issues surrounding the safe transportation of their highway equipment. Also in January 2010, Troop R, Dunmore personnel conducted a two-day outreach presentation in Wyoming County, and in February 2010, Pennsylvania State Police personnel conducted a one-day training session in Williamsport for the benefit of local district judges and local law enforcement. These training sessions have focused on laws pertaining to weight restrictions, commercial driver's license laws, and impoundment issues.

Despite the commercial motor vehicle safety challenges presented by this emerging and growing industry, the Pennsylvania State Police and its safety partners remain committed to our goal of preventing trucks crashes, fatalities, and injuries through the development of consistent, uniform, and effective commercial motor vehicle safety programs. We remain confident that the proven strategy of enforcement, combined with education, will enable us to ensure the safety of all those who travel the roads and highways of our Commonwealth.

Sincerely,

A handwritten signature in black ink that reads "Lt. R.J. Cook". The signature is written in a cursive, slightly slanted style.

Lieutenant Raymond J. Cook
Commercial Vehicle Safety Section
Pennsylvania State Police